## REMARKS

The above amendments are made in response to the outstanding Non-final Office Action dated June 20, 2008. The Examiner's reconsideration is respectfully requested in view of the above amendments and the following remarks

Claims 1-6 have been cancelled. Claims 7, 11 and 12 have been amended to correct clerical errors. No new matter has been entered by these amendment.

Claims 7-14 are thus pending in the present application.

***Claim Rejections Under 35 U.S.C. §112***

Claims 1-14 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner has stated that, in Claims 1 and 2, the limitation "disconnects circuits the two terminals in an "OFF" status and an end of set status, and electrically connects the two terminals while a time setup is maintained" is unclear.

In response, Applicant has cancelled Claims 1-6.

Applicant respectfully request the Examiner to withdraw this rejection under 35 U.S.C. §112, second paragraph.

***Claim Rejections Under 35 U.S.C. § 102***

Claims 1, 2 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rodriguez-Rodriguez (U.S. Patent Application Publication No. 2002/0094498; hereinafter, "Rodriguez"). Claims 1, 2 and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Huang et al. (U.S. Patent No. 6,164,958; hereinafter, "Huang").

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d

1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the ...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

As noted above, Applicant has cancelled Claims 1-6. Claim 7 has been amended to correct clerical errors.

Claim 7 includes, inter alia, the following limitation:

> wherein when the operating time control signal for a burner is not received from the input button unit, the control circuit unit controls an electromagnetic force, which is supplied to a magnetic opening/closing unit corresponding to the burner, to be intercepted after the predetermined reference operating time lapses

As above, the claimed invention is directed to an electronic overheat prevention apparatus, which is set up with a predetermined *reference operating time*. Further, the apparatus includes a control circuit, which is configured such that when an operating time control signal for a burner is not received, the electromagnetic force from the thermal sensor is intercepted after the predetermined reference operation time lapses. Thus, even when the user does not set up an operation time and forgets turning off the burner or falls asleep, the burner can be safely extinguished after the reference operating time lapses.

Rodriguez is directed to a programmable burner for gas stoves. Rodriguez discloses programming of an ignition time of the burner in accordance with a pre-established operation time by user. However, Rodriguez is silent about the reference operating time and operations associated therewith.

Therefore, it is respectfully submitted that Rodriguez does not anticipate the claimed invention by failing to disclose or suggest all the elements and limitations in Claim 7.

Applicant respectfully requests the Examiner to consider these submissions and withdraw the rejection on Claims 1, 2, 4 and 7 under 35 U.S.C. § 102.

***Claim Rejections Under 35 U.S.C. §103***

Claims 3-6 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rodriguez. Claims 8 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rodriguez in view of Huang. Claims 11 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rodriguez in view of Herbert (U.S. Patent No. 5,295,476; hereinafter, "Herbert"). Claims 12 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rodriguez in view of Herbert, further in view of Huang.

In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). See MPEP 2143.

Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Further, even assuming that all elements of an invention are disclosed in the prior art, an Examiner cannot establish obviousness by locating references that describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would have impelled one skilled in the art to do what the patent applicant has done. *Ex parte Levengood*, 28 U.S.P.Q. 1300 (Bd. Pat. App. Int. 1993). The references, when viewed by themselves and not in retrospect, must suggest the invention. *In re Skill*, 187 U.S.P.Q. 481 (C.C.P.A. 1975).

As noted above, Applicant has cancelled Claim 1-6. Claims 7, 11 and 12 have been amended to correct clerical errors. Claims 7 and 11 are independent claims. Claims 8-10 and 12-14 are dependent directly from Claim 7 and 11 respectively.

Regarding Claims 8-10

Claims 8-10 are dependent directly from Claim 7.

As discussed above in connection with 102 rejection, Claim 7 is directed to an electronic overheat prevention apparatus, which is set up with a predetermined *reference operating time*. Further, the apparatus includes a control circuit, which is configured such that when an operating time control signal for a burner is not received, the electromagnetic force from the thermal sensor is intercepted after the predetermined reference operation time lapses. Thus, even when the user does not set up an operation time and forgets turning off the burner or falls asleep, the burner can be safely extinguished after the reference operating time lapses. However, Rodriguez is silent about the reference operating time and operations associated therewith.

Huang is directed to a safety system for a gas burning device. Herbert is directed to a gas hob having a glass ceramic top plate and at least one gas fired heat radiating burner unit below the top plate. However, none of Huang and Herbert, either alone or in combination with Rodriguez, teaches or suggests the reference operating time and its relative operations, as recited in Claim 7.

It is therefore submitted that Rodriguez, Huang and Herbert, either alone or in combination, fail to teach or suggest the subject matter claimed in Claim 7 and thus *no suggestion or motivation* exists in the cited references. Accordingly, *prime facie* obviousness does not exist regarding the subject matter claimed in Claim 7 with respect to the cited references. Applicant respectfully submits that Claim 7 is allowable over the cited references. Claims 8-10 are also believed to be allowable, by means of their direct dependency from Claim 7.

Regarding Claims 11-14

Claim 11 is independent and Claims 12-14 are dependent directly from Claim 11.

Claim 11 is directed to a gas range including the electronic overheat prevention apparatus of Claim 7. Thus, the above discussions in connection with Claim 7 apply to Claim 11 in the same manner.

It is therefore submitted that Claim 11 is allowable over the cited references. Claims 12-14 are also believed to be allowable, by virtue of their direct dependency from Claim 11.

Applicant respectfully requests the Examiner to review these submissions and withdraw the rejection on Claims 3-6 and 8-14 under 35 U.S.C. §103(a).

***Conclusion***

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Reconsideration and subsequent allowance of this application are courteously requested.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

The Examiner is invited to contact Applicant's Attorneys at the below-listed telephone number with any questions or comments regarding this Response or otherwise concerning the present application.

Respectfully submitted,

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